

## Proposed Amendment for Publication in the Register

04 NCAC 16G .0513 is proposed for amendment as follows:

### **04 NCAC 16G .0513 MATERIAL REQUIRED TO BE FILED**

(a) An applicant shall file a preliminary copy of the proxy materials to be used by ~~such~~ the applicant as a part of the application for conversion filed with the ~~administrator~~ Commissioner of Banks.

~~(b) A preliminary copy of any additional solicitation material, including press releases and radio or television scripts, to be used or furnished to members subsequent to furnishing the proxy statement, shall be filed with the administrator at least five business days prior to the date on which the administrator is requested to authorize the use of such material. Speeches may, but need not, be filed with the administrator prior to use.~~

~~(c) (b)~~ A copy of the proxy ~~statement and statement~~, a copy of the form of proxy and all other solicitation material, in the form ~~in which such~~ that the material is furnished to ~~members~~ members shall be filed with or mailed for filing to the ~~administrator~~ Commissioner of Banks not later than the date ~~such~~ the material is first sent or given to members. All materials filed pursuant to this Paragraph shall be accompanied by a statement of the date ~~on which~~ that copies of ~~such~~ the materials are to be released to members.

~~(d) If the solicitation is to be made in whole or in part by personal solicitation, a preliminary copy of all written instructions or other material which discusses, reviews or comments upon the merits of any matter to be acted upon and which is to be furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the administrator at least five business days prior to the date on which the administrator is requested to authorize the use of such material.~~

~~(e) (c)~~ All preliminary copies of material filed pursuant to ~~Paragraphs (a), (b), and (d)~~ Paragraph (a) of this Rule shall be ~~clearly~~ marked on the cover page "Preliminary Copy." ~~Such preliminary~~ Preliminary copies shall be for the information of the ~~administrator~~ Commissioner of Banks only and shall not be deemed available for public inspection except that ~~such~~ the material may be disclosed to any department or agency of the United States, this State, or any other state, that has concurrent jurisdiction over the applicant. ~~The administrator may make such inquiries or investigation in regard to the material as may be necessary for an adequate review.~~

~~(f) (d)~~ Unless requested by the ~~administrator~~ Commissioner of Banks, copies of replies to inquiries from members and copies of communications ~~which~~ that do no more than request that forms of proxy theretofore solicited be signed and returned need not be filed pursuant to this Rule.

~~(g) (e)~~ Where any proxy statement, form of ~~proxy~~ proxy, or other material filed pursuant to this Rule is amended or revised, a copy of ~~such~~ the amended or revised material filed with the ~~administrator~~ Commissioner of Banks shall be marked to indicate ~~clearly and precisely the~~ all changes effected subsequent to the previous ~~filing~~ filing, prior to use of the amended or revised material.

*History Note: Authority G.S. 54C-33; 54C-53;*

*Eff. February 15, 1992;*

*Amended Eff. September 1, 2017; April 15, 1993.*